

Message Text

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ORIGIN OES-07

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FM SECSTATE WASHDC
TO AMEMBASSY COPENHAGEN PRIORITY

UNCLAS STATE 099364

E.O. 11652: N/A

TAGS:EIFS, SENV, IWC-1, US, DE

SUBJECT:AGREEMENT BETWEEN THE GOVERNMENTS OF DENMARK
AND THE UNITED STATES TO COOPERATE IN AN OBSERVER SCHEME
FOR THE SPRING 1978 BOWHEAD WHALE HUNT IN ALASKA

REF: STATE 77235

1. AS MENTIONED IN REFTEL USG WOULD LIKE TO CONCLUDE
SUBJECT AGREEMENT WITH DANISH GOVERNMENT AS SOON AS
POSSIBLE. EMBASSY IS REQUESTED TO PRESENT FOLLOWING
DIPLOMATIC NOTE TO THE DANISH MOFA AND IS AUTHORIZED TO
CONCLUDE THIS AGREEMENT THROUGH EXCHANGE OF NOTES WITH
DANISH MOFA, IF RPT IF DANISH GOVERNMENT AGREES TO TEXT
OF AGREEMENT IF PARA 2. IF DANISH GOVERNMENT WISHES TO
SUGGEST CHANGES, EMBASSY SHOULD TRANSMIT TO DEPT OES/OFA
AS SOON AS POSSIBLE. IF AGREEMENT IS CONCLUDED WITHOUT
CHANGES TO TEXT BELOW, PLEASE CONFIRM TO DEPT OES/OFA
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WITH NUMBERS AND DATES OF EMBASSY AND MOFA NOTES.

2. TEXT OF NOTE: QUOTE THE EMBASSY OF THE UNITED STATES
OF AMERICA PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF
(MINISTRY OF FOREIGN AFFAIRS (DENMARK) (EXTERNAL AFFAIRS
(CANADA)) AND HAS THE HONOR TO PROPOSE THAT THE TWO
GOVERNMENTS, BEING PARTIES TO THE INTERNATIONAL CONVENTION

FOR THE REGULATION OF WHALING (HEREINAFTER REFERRED TO AS "THE CONVENTION") SIGNED AT WASHINGTON ON 2 DECEMBER 1946, COOPERATE IN AN OBSERVER SCHEME FOR THE SPRING 1978 BOW-HEAD WHALING SEASON IN ALASKA, UNITED STATES OF AMERICA. THE EMBASSY WOULD PROPOSE THAT THE SCHEME OPERATE ON THE FOLLOWING BASIS:

1. FOR THE SPRING 1978 BOWHEAD WHALING SEASON IN ALASKA, WHICH IS EXPECTED TO COMMENCE IN LATE MARCH AND CONTINUE UNTIL MID-JUNE 1978, THE GOVERNMENT OF DENMARK (CANADA) WILL NOMINATE AN OBSERVER, WHO WILL BE APPOINTED BY THE INTERNATIONAL WHALING COMMISSION (HEREINAFTER REFERRED TO AS "THE COMMISSION"), FOR THE SPRING 1978 BOWHEAD WHALING SEASON IN SIX ALASKAN ESKIMO COASTAL VILLAGES.

2. (A) THE OBSERVER WILL HAVE THE STATUS OF A SENIOR OFFICIAL. APPROPRIATE MEASURES WILL BE TAKEN BY THE GOVERNMENT OF THE USA TO PROVIDE EVERY COURTESY TO THE OBSERVER AND TO ENSURE HIS SECURITY AND WELFARE IN THE PERFORMANCE OF HIS DUTIES.

(B) THE OBSERVER IS NOT INVESTED WITH ANY ADMINISTRATIVE POWER IN REGARD TO THE ACTIVITIES OF THE ALASKAN WHALERS AND WILL HAVE NO AUTHORITY TO INTERVENE IN ANY UNCLASSIFIED

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WAY IN THOSE ACTIVITIES.

(C) THE OBSERVER WILL AT ALL TIMES BE RESPONSIBLE TO THE COMMISSION, AND WILL NEITHER SEEK NOR RECEIVE INSTRUCTIONS FROM ANY AUTHORITY OTHER THAN THE COMMISSION. THE OBSERVER WILL BE GIVEN THE NECESSARY FACILITIES FOR CARRYING OUT HIS DUTIES.

(D) THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL ENSURE THAT THE OBSERVER MAY OBSERVE FREELY THE OPERATIONS OF THE BOWHEAD WHALING HUNT SO THAT HE MAY VERIFY THE OBSERVANCE OF THE PROVISIONS OF THE CONVENTION AND ITS SCHEDULE IN REGARD TO THE TAKING OF BOWHEAD WHALES AND THEIR UTILIZATION. IN PARTICULAR, THE OBSERVER WILL BE ABLE TO ASCERTAIN THE SPECIES, SIZE, SEX, AND NUMBER OF WHALES TAKEN.

(E) THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL ENSURE THAT ALL REPORTS REQUIRED TO BE MADE, AND ALL RECORDS REQUIRED TO BE KEPT OR SUPPLIED IN ACCORDANCE WITH THE SCHEDULE OF THE CONVENTION AND THE RELEVANT REGULATIONS OF THE UNITED STATES OF AMERICA WILL BE MADE

FREELY AND IMMEDIATELY AVAILABLE TO THE OBSERVER FOR EXAMINATION, AND THAT THE OBSERVER WILL BE GIVEN ALL

NECESSARY EXPLANATIONS AS REGARDS SUCH REPORTS, RECORDS AND DATA.

(F) THE NATIONAL INSPECTORS APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THE CONVENTION WILL SUPPLY ALL INFORMATION NECESSARY FOR THE DISCHARGE OF THE OBSERVER'S FUNCTION.

(G) WHERE THE OBSERVER HAS REASONABLE GROUNDS FOR BELIEVING THAT ANY INFRACTION OF THE PROVISIONS OF THE CONVENTION HAS TAKEN PLACE HE SHALL IMMEDIATELY NOTIFY UNCLASSIFIED

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IN WRITING THE SENIOR NATIONAL INSPECTOR. THE OBSERVER WILL, IF HE CONSIDERS IT SUFFICIENTLY SERIOUS, INFORM THE COMMISSION OF THE SAID INFORMATION AS SOON AS POSSIBLE AND WILL AT THE SAME TIME REPORT THE EXPLANATION OR COMMENTS OF THE SENIOR NATIONAL INSPECTOR.

(H) THE OBSERVER WILL DRAW UP A REPORT COVERING HIS OBSERVATIONS INCLUDING POSSIBLE INFRACTIONS OF THE PROVISIONS OF THE CONVENTION AND SCHEDULE WHICH HAVE TAKEN PLACE DURING THE SEASON OR PART OF THE SEASON IN WHICH HE SERVED AS AN OBSERVER, AND WILL SUBMIT IT TO THE SENIOR NATIONAL INSPECTOR FOR INFORMATION AND SUCH EXPLANATION OR COMMENTS WILL BE ATTACHED TO THE OBSERVER'S REPORT WHICH WILL BE TRANSMITTED TO THE GOVERNMENT OF DENMARK (CANADA).

THE GOVERNMENT OF DENMARK (CANADA) WILL IMMEDIATELY FORWARD THE REPORT, WITH ANY COMMENTS IT CONSIDERS APPROPRIATE, TO THE SECRETARIAT OF THE INTERNATIONAL WHALING COMMISSION.

3. (A) THE GOVERNMENT OF DENMARK (CANADA) WILL PAY THE SALARY AND OTHER EMOLUMENTS, TRAVEL AND CABLE COSTS OF THE OBSERVER.

(B) THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL PROVIDE TO THE OBSERVER SUBSISTENCE AND ACCOMMODATION APPROPRIATE TO THE STATUS OF THE OBSERVER TOGETHER WITH MEDICAL CARE AND ASSISTANCE WHERE NECESSARY.

(C) THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL ALSO PROVIDE SUITABLE LOCAL TRANSPORT FOR THE FACILITATION OF THE PERFORMANCE BY THE OBSERVER OF HIS UNCLASSIFIED

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DUTIES.

THE EMBASSY HAS THE HONOR TO PROPOSE THAT, IF THE
FOREGOING IS ACCEPTABLE TO THE (DEPARTMENT OF EXTERNAL
AFFAIRS) (MINISTRY OF FOREIGN AFFAIRS), THIS NOTE AND THE

(DEPARTMENT'S) (MINISTRY'S) REPLY SHOULD CONSTITUTE AN
ARRANGEMENT BETWEEN THE TWO GOVERNMENTS EFFECTIVE ON THE
DATE OF THE (DEPARTMENT'S) (MINISTRY'S) REPLY. CHRISTOPHER

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Message Attributes

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